

Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Gregg Schuster, First Selectman

**Board of Selectmen Minutes
Regular Meeting
Thursday, September 19, 2013
Colchester Town Hall**

Meeting Room 1 – 7:00PM

HANCOY A. BRAY
TOWN CLERK

2013 SEP 20 AM 11:45

RECEIVED
COLCHESTER, CT

MEMBERS PRESENT: First Selectman Gregg Schuster, Selectman Greg Cordova, Selectman Stan Soby, Selectman James Ford, and Selectman Rosemary Coyle.

MEMBERS ABSENT:

OTHERS PRESENT: Derrik Kennedy, Jim Paggioli, Maggie Cosgrove, Walter Cox, Don Lee, Dot Mrowka, Ryan Blessing, Melissa Roberto, and other citizens.

1. **Call to Order**

First Selectman G. Schuster called the meeting to order at 7:00 p.m.

2. **Additions to the Agenda**

R. Coyle moved to add to the agenda item #7C, "Agriculture Commission. Olivia Duksa to be interviewed;" seconded by J. Ford. Unanimously approved. MOTION CARRIED.

3. **Approve Minutes of the August 15 Regular Board of Selectmen Meeting**

R. Coyle moved to approve the minutes of the August 15 Regular Board of Selectmen meeting, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

4. **Approve Minutes of the August 28 Special Board of Selectmen Meeting**

R. Coyle moved to approve the minutes of the August 28 Special Board of Selectmen meeting, seconded by G. Cordova. G. Cordova abstained, all others voted in favor. MOTION CARRIED.

5. **Approve Minutes of the September 13 Special Board of Selectmen Meeting**

G. Cordova moved to approve the minutes of the September 13 Special Board of Selectmen meeting, seconded by S. Soby. Unanimously approved.

6. **Citizen's Comments**

J. McNair read a comment to the Board regarding conduct at the September 18 Town Meeting (attached).

L. Hodge read a comment to the Board regarding the conduct of the Board at a previous Board of Selectmen meeting whereby a letter she wrote to the Board was not read aloud (attached).

C. Bourque commented in opposition of a blight ordinance and further commented on the Linwood Avenue streetscape project.

A. Harrison agreed with Mr. Bourque's comment on the blight ordinance.

J. Kelly commented on the actions of the Board at the Sept. 18 Town Meeting and commented in agreement with Ms. Hodge's statement.

7. **Boards and Commissions – Interviews and/or Possible Appointments and Resignations**

a. **Economic Development Commission. Member re-appointment for a five-year term to expire 10/01/2018. Andreas Bisbikos to be interviewed.**

S. Soby moved to re-appoint Andreas Bisbikos to the Economic Development Commission for a five-year to expire 10/01/2018, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

b. Blight Ordinance Task Force

- i. Alan Harrison – Alan Harrison was interviewed.
- ii. Nathaniel Shiff – Nathaniel Shiff was interviewed.
- iii. Ron Silberman – Ron Silberman was interviewed.

c. Agriculture Commission. Olivia Duksa to be interviewed.
Olivia Duksa was interviewed.

8. Budget Transfers

Discussion on need for explanation in executive session and where the money will come from. S. Soby moved to approve the supplemental appropriation of \$2,500 from "Appropriation from Fund Balance (18501-36250)" to Tax Collector – "Regular Payroll (11303-40101)," seconded by J. Ford. Unanimously approved. MOTION CARRIED.

R. Coyle moved to approve budget transfers in the amount of \$1,385 from Finance - "Mileage, Training & Meetings (11301-43213)" to "Professional Services (11301-44208);" \$24 from Library – "Fuel/Heating (15101-45221)" to "Water & Sewer (15101-45222);" \$124 from Library – "Service Contracts (15101-44223)" to "Office Supplies (15101-44223);" \$65 from Library – "Service Contracts (15101-44223)" to "Copier (15101-42233);" and \$151 from Assessor – "Data Processing (44205)" to "Postage (44217);" seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

9. Tax Refunds & Rebates

G. Cordova moved to approve the tax refunds of \$28.76 to Karl Young and Evamarie Kelly-Young, \$26.04 to Jamie Roach and Mark Decker, \$169.87 to Richard Giusti, \$998.33 to Hyundai Lease Titling, \$4.23 to Lorraine Tierney, \$53.59 to Michael Guarino, \$72.06 to Melanie or Patrick Michaud, \$30.28 to Rebecca and Brian Engleman, \$83.57 to Tina and Jason Rosenthal, \$15.44 to Francis Blume, \$51.00 to Ronald Abate, \$19.68 to Deborah Hulien, and \$23.92 to Oliver Huse; seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

10. Discussion and Possible Action on Deputy Emergency Management Director Job Description

Discussion on process of development. S. Soby moved to approve the Deputy Emergency Management Director, as presented, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

11. Discussion and Possible Action on FY 2012 Homeland Security Grant Program

R. Coyle moved the resolution, "Be it RESOLVED that the First Selectman, Gregg Schuster, may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and FURTHER RESOLVED, that Gregg Schuster, as First Selectman of Town of Colchester, is authorized and directed to execute and deliver any and all documents on behalf of the Board of Selectmen and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents;" seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

12. Discussion and Possible Action on AppliTrack Agreement

Discussion on explanation of the product. G. Cordova moved to approve the AppliTrack Terms of Service and authorize the First Selectman to sign all necessary documents, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

13. Discussion and Possible Action on Employee Assistance Program Contract with Solutions

S. Soby moved to approve the contract with Solutions to serve as the Town's Employee Assistant Program from July 1, 2013 to June 30, 2014 and authorize the First Selectman to sign all necessary documents, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

14. **Discussion and Possible Action on Voluntary Life Insurance Agreement with Texas Life Insurance Company**
G. Cordova moved to authorize the First Selectman to sign the Texas Life Employer Agreement, seconded by J. Ford. Unanimously approved. MOTION CARRIED.
15. **Discussion and Possible Action on Linwood Avenue Streetscape Grant Award**
Discussion on in-house versus consulting design, grantee match cost, solar versus conduit wire cost benefit analysis, and extruded curbing. S. Soby moved the resolution, "Be it RESOLVED, that the Town of Colchester Board of Selectmen authorizes submission of the funding application for the Linwood Avenue Streetscape Project under the Main Street Investment Fund Program referenced in Section 78 and 79 of the PA 11-1; and, FURTHER RESOLVED, that Gregg Schuster, First Selectman of the Town of Colchester, is authorized and directed to execute and deliver any and all documents on behalf of the Town of Colchester and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents;" seconded by J. Ford. Unanimously approved. MOTION CARRIED.
16. **Discussion and Possible Action on Concrete Sidewalk Repair Contract**
R. Coyle moved to award concrete sidewalk repair work detailed in RFP 2013-17 to PHC Construction in accordance with the pricing provided within their response and conditions listed in the RFP, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
17. **Discussion and Possible Action on Board Responsibilities with Regards to Blighted Properties**
J. Ford commented on blight Town Meeting and appearance of downtown. He asked, "What should we be doing as a Town for upkeep?" S. Soby stated that there is little area on Lebanon Avenue that would be considered Town property. He asked, "What is the property owner's responsibility before the Town gets involved?" J. Ford commented that appearance had an impact and the Board should care about what the Town looks like. S. Soby reiterated, "Who is ultimately responsible for getting work done?" J. Paggioli commented on the Department of Public Works activities with regards to cleaning and improvements. J. Ford commented on the conditions for maintenance in STEAP contracts. S. Soby suggested adding cleaning weeds up in the downtown area to Spring Clean Up Day activities. J. Ford suggested adding trash receptacles to the Linwood Avenue Streetscape Project. R. Coyle commented on the charges to be given to the Blight Task Force. G. Cordova suggested that town staff, when driving around town, look at blighted properties and bring to staff or the board's attention. No action taken.
18. **Citizen's Comments**
E. Evans suggested a name change to the Blight Ordinance Task Force to the Blight Planning Task Force.
C. Bourque suggested the Town be more proactive in helping those in-need instead of being punitive, the Town budget for maintenance costs to streetscapes, and requests continuity of streetscape projects.
O. Duksa agreed with Mr. Bourque's comments on serving those in-need.
R. Silberman commented on hardship versus blight and laziness. He also commented on the value of curb appeal and that the maintenance budget should be for all facilities.
19. **First Selectman's Report**
First Selectman G. Schuster reported that there have been suspicious fires around the downtown area for several months and asks all residents to get the word out and report any suspicious activity. All reports of suspicious activity should be called into Troop K at (860) 537-7500. He further reported that Tractor Supply will be opening soon and they have already begun the hiring process. Finally, he reported that the Executive Assistant will be leaving to become Assistant Town Manager in Enfield and thanked Derrik Kennedy for all his hard work on behalf of the Town.

20. **Liaison Report**

R. Coyle reported that the Commission on Aging received an Eagle Scout candidate who would like to build room dividers for the Senior Center, they are actively working on completing their Resource Guide, the Director has done a remarkable job with her façade improvements, the last COA meeting was held at Dublin Village, elderly housing has an extensive waitlist, there has been a dramatic increase in attendance at the Senior Center, and the Director is doing a great job.

S. Soby reported that the Planning & Zoning Commission received a request for application for accessory apartment. The Town is working with the applicant to correct form work. The Zoning Enforcement Officer's monthly report details efforts to seek compliance before enforcement actions. On 9/30 there will be the first public session for the Plan of Conservation and Development and will be held at the Bacon Academy Cafeteria.

S. Soby further reported that the Agriculture Commission had a discussion on the POCD meeting and is continuing to give feedback, there is new leadership on the Commission with Mr. Bourque as chairman and Mr. Zimmerman as vice chair, they are continuing to discuss the Slembek Farm, they are providing information on resources for farmers after emergencies, and is working with teachers to assist with agriculture education.

21. **Executive Session to Discussion Negotiations with Colchester Firefighters Union UPPFA, IAFF, Local #3831**

S. Soby moved to enter into Executive Session to Discuss Negotiations with Colchester Firefighters Union UPPFA, IAFF, Local #3831 and invite Maggie Cosgrove and Walter Cox; seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

Entered into executive session at 8:45 p.m.
Exited from executive session at 9:32 p.m.

22. **Discussion and Possible Action on Revised Successor Contract with Colchester Firefighters Union UPPFA, IAFF, Local #3831**

The Board agreed to postpone action pending advice from the Town Attorney on one issue. No action taken.

23. **Executive Session to Discussion Performance of Town Hall Employee**

G. Cordova moved to enter into Executive Session to Discuss Performance of Town Hall Employee and invite John Chaponis, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

Entered into executive session at 9:34 p.m.
Exited from executive session at 10:31 p.m.

24. **Adjourn**

G. Cordova moved to adjourn at 10:32 p.m., seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

Respectfully submitted,



Derrick M. Kennedy
Executive Assistant to the First Selectman

Attachments:

- Statement from James McNair
- Statement from Linda Hodge

September 19, 2013

At last night's Town meeting I was surprised in several ways. First, while the number of supporters was about par for the course, the number of those in opposition was higher than I can remember. Normally the No voters wait until the privacy of the voting booth to express their opinion.

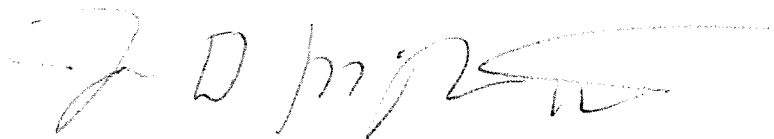
More surprising was hearing a challenge from Selectman Coyle to allow 1st Selectman Schuster to explain why he is not supporting the building referendum. In brief, she said it was not germane to the motion. Fortunately, she was over ruled by the moderator.

I understand Selectman Coyle has invested a lot of political capital into getting the project approved. Yet, I hope she understands a troubling precedent this could have set.

Town Meetings are a New England institution. In the many, many Town Meetings I have attended everyone was given a chance to speak. Sometimes what was said was unpopular in the room. Yet, 1st Amendment rights were maintained. All citizens must feel they will receive equal consideration. I hope the Board of Selectman agree.

Sincerely,

James D, McNair III
Colchester CT

A handwritten signature in black ink, appearing to read "J D McNair III". The signature is written in a cursive style with a horizontal line extending to the right.

Good evening. My name is Linda Hodge. Please excuse me when I leave immediately after my comments. I am in the middle of a human resources course and have to get back to class. I will also provide you with a written copy of my comments and, again, request they be entered into the minutes.

Tonight I speak about what I perceive as a suppression, or even worse, a manipulation of information. On the morning of August 1st, while on vacation, I read the meeting agenda for that evening's Board of Selectmen meeting. After seeing the topics on the agenda, I sent a letter to each of you as well as the First Selectman's Executive Assistant. That letter stated my concerns and suggestions for the WJJMS Community Center project. My letter was not derogatory of any individual or committee. In fact, my letter praised the building committee's work. I simply stated concerns regarding several portions of the project - including the increase in taxes, safety of our children on school grounds, and storage of firearms for the veterans who perform funeral services. I also questioned the validity of surveys regarding the importance of a stand-alone senior center and suggested alternatives.

At the top of the letter, in 16 point bold type, I asked that the letter be read aloud into the minutes during citizen's comments that evening as I was out of town and could not be present to make the comments in person. In listening to Board of Selectmen meetings over the past four years, I know this has often been your practice. As far as I was concerned, I was "done" - I had sent my thoughts to you during Citizen's Comments and the matter was over. If that was the end of the story, I would not be here tonight.

Later that week, I heard from three separate individuals, who do not even know each other, about the "crazy lady" who sent a letter to the Board of Selectmen. Curious, I asked them who wrote the letter and was told that they "did not know" - that was never made public. Even more curious, I asked what the letter was about and again was told "they did not know" - it was never read. All they knew was that the Board of Selectmen received a letter, they all knew about it, a couple of them snickered when it was brought up, and Mr. Malsbenden, who also had a copy of the letter, asked to address it during Citizen's Comments. All three individuals gave fairly close accountings of the event.

To make a long story short, my curiosity and suspicions aroused, I listened to the tapes of that specific Board of Selectmen meeting and found that it was MY letter they were talking about ... that the Board of Selectman had chosen not to read the letter aloud - it was passed by the First Selectman to the recording secretary to be filed in the evening's minutes - and it was. Again, if that was the end of the story I would not be here tonight as I know that not all citizens' letters are read aloud.

What disturbs me is the fact that John Malsbenden stood up from the audience during Citizens Comments to speak against my letter - which he stated clearly on the record, he had been given a copy of. At that point, the letter had only been sent to the First Selectman's office and to each member of the Board of Selectman. It was not public record until handed to the Clerk. Mr. Malsbenden is NOT a member of the Board of Selectmen and no one else in the audience had been provided a copy of the letter.

My question to all of you is - how did Mr. Malsbenden, a political insider, get a copy of my letter? Which one of you used your position to share information with your "friends" that should have been shared with all present if any one individual was going to be allowed to address the contents? What kind of ethics are in play when not only does this happen, but the entire board allows it to occur without anyone speaking out? I know that you followed the letter of the law. But leadership is not only about following the letter of the law - it is about ensuring that EVERY citizen of our community is treated equally and fairly.

I want to clarify that this is not an attack upon Mr. Malsbenden. He and his wife are friends of Bob and I and we value that friendship. We just don't discuss politics and sometimes have to agree to disagree.

In closing, I don't care that you did not read my letter into the minutes - it was purely a request. But I do condemn the actions of this Board in this instance. What I want to know tonight is ***who passed a copy of my letter to Mr. Malsbenden so he could stand up during citizen comments, speak against a letter that no other citizen had access to at that point, and express hypotheses that were in no way part of the letter's content or intent?*** If just one of you stands up and speaks the truth I will applaud you. If you all sit in silence leaving my question unanswered I will have lost faith in the ability of this board to provide all of its citizens an equal voice in government.

Thank You.
Linda Hodge